

Draft

PERMIT

Permit No: 200901307-MG

Municipality: Noank Fire District (Groton)

Work Area: Mystic River off property located at 38 Bayside Avenue

Permittee: Noank Village Boatyard
c/o Robert Helbig
38 Bayside Avenue
Noank, CT 06340

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and section 401 of the Federal Clean Water Act, as amended, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to conduct dredging for recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in the Mystic River off property identified as the "work area" above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200901307-MG, including one location map and six (6) sheets of plans dated September 15, 2008, Sheets 2 through 4 of 6 revised September 24, 2009 and Sheet 6 of 6 revised May 20, 2009, submitted by the Permittee to the Commissioner and attached hereto as follows:

1. relocate the existing floating docks and remove existing timber restraint piles;
2. maintenance dredge by mechanical means a total of 100 cubic yards of sediment from an existing travel lift well;
3. remove approximately 50 cubic yards of rock from the travel lift well identified above using controlled blasting techniques or land-based equipment;

4. conduct new dredging by mechanical means approximately 9,000 cubic yards of sediment (including one foot of allowable over-dredge) from an approximately 75,000 square foot area to a depth of -6.0' MLW and dispose of the sediment with capping at the New London Disposal Area; and
5. reinstall the timber piles and floating docks identified above as shown on the plans attached hereto.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. The approximately 9,000 cubic yards of sediment authorized to be dredged herein shall be disposed of at the New London Disposal Area and capped with at least 30,000 cubic yards of sediments suitable for unconfined open water disposal, as follows:
 - a. No later than two (2) weeks prior to the intended commencement of dredging, the Permittee shall submit to the Commissioner for her review and written approval, a capping plan. The plan shall, at a minimum, include the following information:
 - i. demonstration that sufficient dredged sediment suitable for unconfined open water disposal is available for use as cap. This demonstration shall include a description of the source of the cap sediment, a certification as to the volume of sediment available, documentation of appropriate authorization for dredging the cap sediment, assurances that such sediment will be reserved for cap pursuant to this certificate and will not be disposed of in another manner, and sediment test data showing that this sediment is suitable for use as cap;
 - ii. a work schedule including the estimated starting date and time required to complete disposal of contaminated sediments; and the estimated starting date and time required to complete the capping of the contaminated sediments. Such work schedule shall incorporate sufficient time to allow for inclement weather, wave conditions and/or equipment failures; and
 - iii. disposal barge capacity, dredge bucket capacity, planned hours of operation, and the anticipated number of barge trips per day.
 - b. In the event that suitable sediment is directed by the Commissioner to cap the sediment authorized to be dredged herein, and such direction results in actual increased costs to the Permittee who is providing the sediment to be used as cap, the Permittee shall be responsible for any actual additional costs incurred by the direction of suitable cap sediments to the disposal site authorized herein.

2. No dredging shall be conducted until the Permittee has received written approval of the capping plan from the Commissioner. The Permittee shall implement the capping plan as approved by the Commissioner.
3. Sediment dredged pursuant to this authorization shall not be sold nor shall any fee for its use be charged without the express prior written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the State of Connecticut Department of Environmental Protection, pursuant to section 22a-361(e) of the General Statutes.
4. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
5. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
6. All work authorized herein is prohibited between June 1st through September 30th, inclusive, of any year in order to protect spawning shellfish, unless otherwise authorized in writing by the Commissioner.
7. The dredging authorized herein shall be conducted using mechanical means during periods of high water.
8. All waste material generated by the work authorized herein shall be disposed of at an approved upland location landward of the high tide line and outside of any tidal wetland vegetation.
9. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change. A change in the form of ownership of any structure authorized herein from a rental/lease commercial marina to a wholly-owned common interest community or dockominium may constitute a change in purpose as specified above.
10. The Commissioner in her sole discretion may modify the disposal site authorized herein and direct dredged sediments to an alternate site for use as cap material, provided that no modification will take effect if such modification imposes uncompensated additional costs solely attributable to such modification on the Permittee.
11. Not later than sixty (60) days following receipt of this authorization to conduct dredging, the Permittee shall submit to the Commissioner a proposed schedule for the dredging project.
12. The Permittee shall dispose of dredged or excavated material in accordance with the Army Corps

of Engineers Silent Inspector System Requirements.

13. The Permittee shall point-dump dredged or excavated materials at a specified buoy or set of coordinates identified by the United States Army Corps of Engineers-New England District within the disposal area authorized by this certificate.
14. Not later than sixty (60) days following receipt of this authorization, the Permittee shall submit for the Commissioner's review and written approval, a final blasting plan or other methodology for removing the existing rock located in the travel lift well. The Permittee shall implement the plan upon receipt of the Commissioner's written approval.
15. The Permittee shall notify DEP-OLISP and DEP-Fisheries staff in writing no later than two (2) weeks prior to the anticipated blasting of the day the blasting will occur.
16. The Permittee shall contact Mr. James Markow of the Aeros Cultured Oyster Co. (telephone number 860-460-4558) a minimum of three (3) weeks prior to the commencement of the dredging authorized herein.
17. In undertaking the work authorized herein, the Permittee shall not cause or allow pollution of tidal wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by section 22a-423 of the General Statutes.
18. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittees shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
19. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" and "as-dredge" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittees may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.

- b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittees to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
 3. The Permittee Holder shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the General Statutes.
 4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
 5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three (3) days prior to the commencement of such work and no later than seven (7) days after the completion of such work.
 6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
 7. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054
 8. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.

9. This permit may be revoked, suspended, or modified in accordance with applicable law.
10. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
11. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
12. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
13. In the event that the Permittee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
14. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
15. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
16. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.

17. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:
"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
18. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2010

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Amey W. Marrella
Commissioner

Permit Application No. #200901307-MG, Groton
Noank Village Boat Yard

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Noank Village Boat Yard
c/o Robert Helbig
38 Bayside Avenue
Noank, CT 06340

Permit No: #200901307-MG, Groton

CONTRACTOR 1:

Address:

Telephone #:

CONTRACTOR 2:

Address:

Telephone #:

CONTRACTOR 3:

Address:

Telephone #:

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

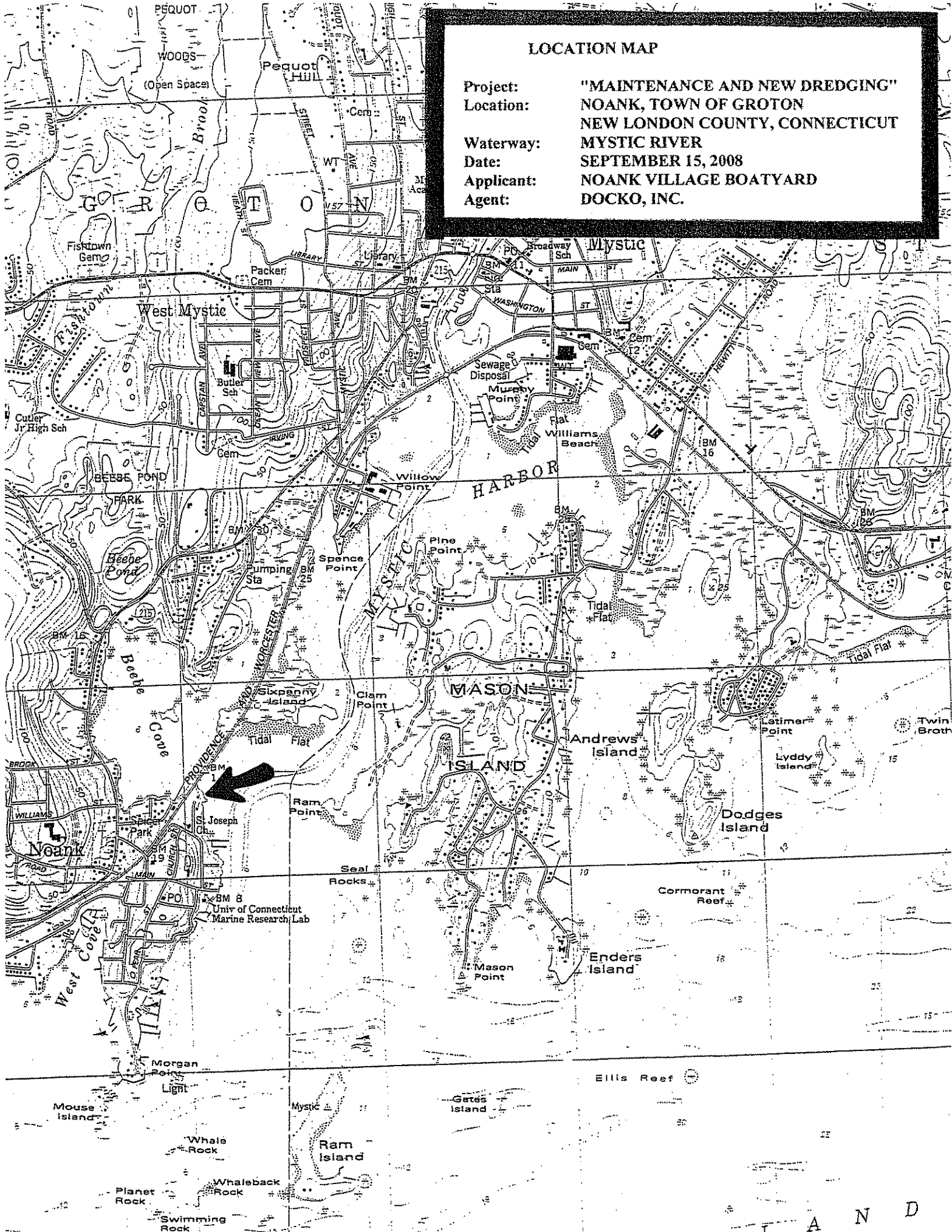
PERMITTEE:

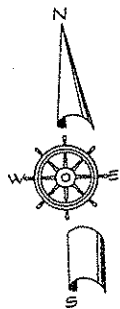
(signature)

(date)

LOCATION MAP

Project: "MAINTENANCE AND NEW DREDGING"
Location: NOANK, TOWN OF GROTON
NEW LONDON COUNTY, CONNECTICUT
Waterway: MYSTIC RIVER
Date: SEPTEMBER 15, 2008
Applicant: NOANK VILLAGE BOATYARD
Agent: DOCKO, INC.





BEEBE COVE

MYSTIC RIVER

N/F PROPERTY OF
NATIONAL RAILROAD
PASSENGER CORP.

SITE
PROPERTY OF
NOANK VILLAGE
BOATYARD

RESIDENTIAL
R-5

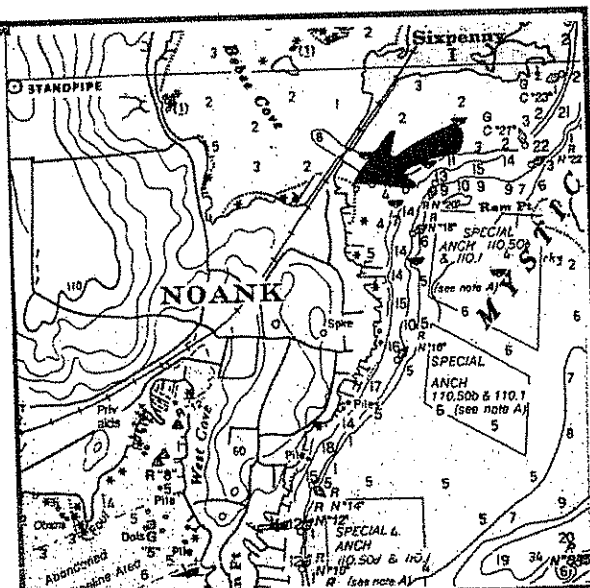
OTHER PROPERTIES
OF HELBIG

N/F PROPERTY OF
THOMPSON

PROJECT:
MAINTENANCE &
NEW DREDGING

OVERALL PLAN

GRAPHIC SCALE 1 IN = 300 FT
300 150 0 300



LOCATION MAP

REFERENCE
CHART: 12372
GRAPHIC SCALE
IN YARDS

NOTES:

1. ELEVATION DATUM IS MEAN LOW WATER.
2. TIDE DATA IS TAKEN FROM 2008 NOAA TIDE TABLES REFERENCE: MYSTIC RIVER ONE YEAR TIDAL FLOOD ELEVATION IS APPROXIMATED FROM THE U.S. ACOE TIDAL FLOOD PROFILE DATED 1988.
3. PROJECT DESCRIPTION:
DREDGE 5000±CY OF SANDY RIVER SILTS AND 50±CY OF LEDGE OVER 75,000±SF BY MECHANICAL MEANS TO -6' MLW WITH A 4000±CY OVERDREDGE ALLOWANCE FOR OPEN WATER DISPOSAL AT NEW LONDON OPEN WATER DISPOSAL SITE (NLDS). 50±CY OF BLASTED LEDGE MATERIAL WILL BE DISPOSED OF UPLAND.
4. PROJECT PURPOSE:
THIS IS A COMMERCIAL MARINA FOR RECREATIONAL BOATING.
5. THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.

6. ADJOINING PROPERTY OWNERS:

NORTH:
NATIONAL RAILROAD PASSENGER CORP.
30TH & MARKET STREET
PHILADELPHIA, PA 19104

SOUTH:
BETTY T & GERALD F THOMPSON
154 DAVIS ROAD
EAST HARTFORD, CT 06118

PROJECT: MAINTENANCE AND NEW DREDGING

LOCATION: TOWN OF NOANK
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: MYSTIC RIVER
DATE: SEPTEMBER 15, 2008
APPLICANT: NOANK VILLAGE
BOATYARD

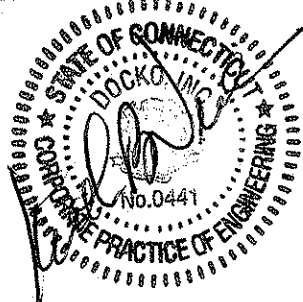
AGENT: SHEET 1 OF 6

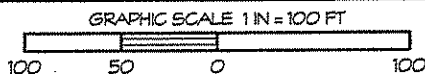
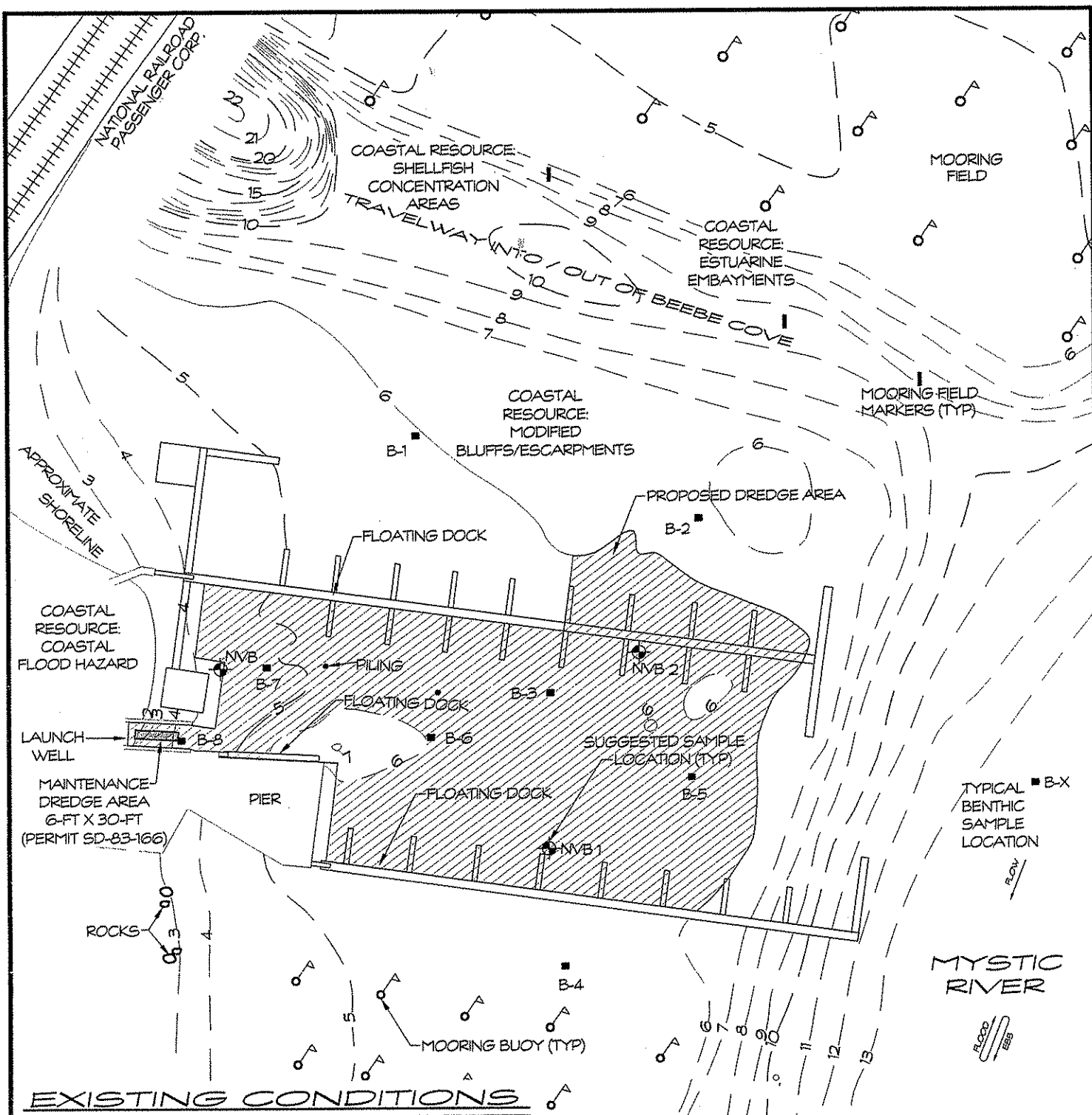
DOCKO, INC.

Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939 FAX 860 572 7569
EMAIL: docko@snet.net

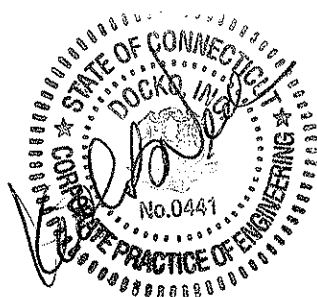


DWG 08-02-2019





REVISED 5-20-09 DEP
MAINTENANCE DREDGE AREA
REVISED 9-24-09 DEP
MAINTENANCE DREDGE AREA



PROJECT: MAINTENANCE AND NEW DREDGING

LOCATION: TOWN OF NOANK
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: MYSTIC RIVER

DATE: SEPTEMBER 15, 2008

APPLICANT: NOANK VILLAGE
BOATYARD

AGENT: SHEET 2 OF 6

DOCKO, INC.

Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939 FAX 860 572 7569
EMAIL: docko@snet.net



DWG 08-02-2019

DREDGE 5000±CY OVER 75,000±SF TO -6' MLW
WITH A 4000±CY OVERDREDGE ALLOWANCE

SECTION A1

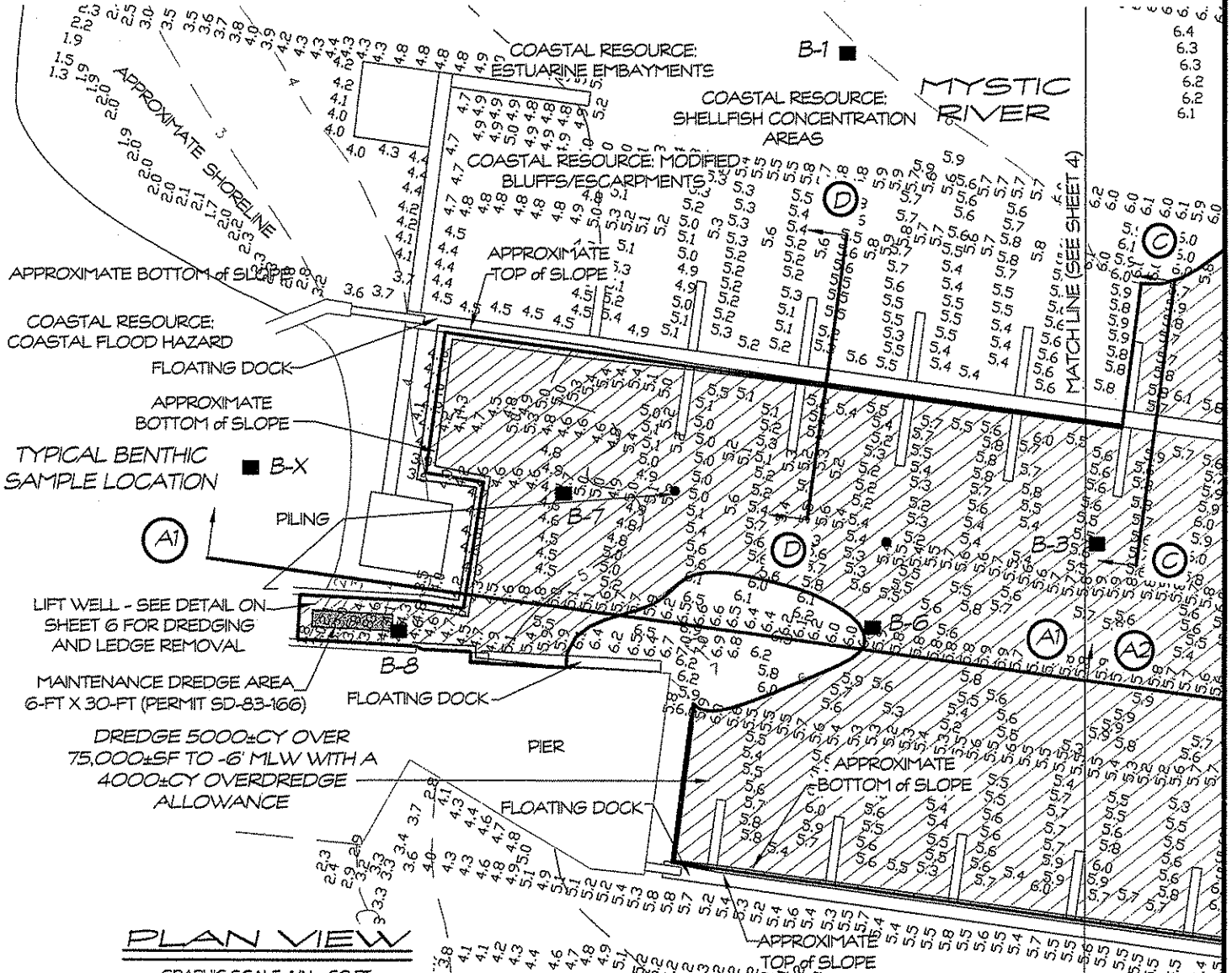
GRAPHIC SCALE 1" = 30 FT

30 15 0 30

EXISTING FLOATING DOCK

EXISTING 3.5' X 26' FINGER PIER

MATCHLINE
SEE SHEET 4



PLAN VIEW

GRAPHIC SCALE 1" = 60 FT

60 30 0 60

REVISED 5-20-09 DEP
MAINTENANCE DREDGE AREA

REVISED 9-24-09 DEP
TOP & BOTTOM of SLOPES

PROJECT: MAINTENANCE AND NEW DREDGING

LOCATION: TOWN OF NOANK
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: MYSTIC RIVER

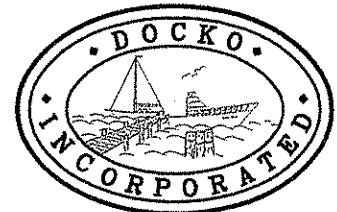
DATE: SEPTEMBER 15, 2008

APPLICANT: NOANK VILLAGE
BOATYARD

AGENT: SHEET 3 OF 6

DOCKO, INC.

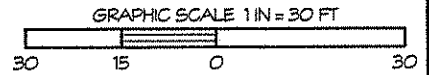
Keith B. Nelson, PE
Mystic, CT 06355
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EMAIL: docko@snet.net



DWG 08-02-2019



SECTION A2



MATCH LINE
SEE SHEET 3

DREDGE 5000±CY OVER 75,000±SF TO -6' MLW
WITH A 4000±CY OVERDREDGE ALLOWANCE

EXISTING FLOATING DOCK

EXISTING 3.5' X 26' FINGER PIER

COASTAL RESOURCE:
ESTUARINE EMBAYMENTS

COASTAL RESOURCE: SHELLFISH
CONCENTRATION AREAS

COASTAL RESOURCE: MODIFIED
BLUFFS/ESCARPMENTS

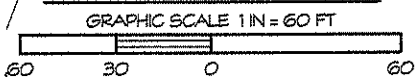
MYSTIC
RIVER

SAMPLE B-3
4,380± @ 90°

DREDGE 4,400± CY
OVER 71,710± SF TO -6'
MLW WITH A 3985± CY
OVERDREDGE
ALLOWANCE

TYPICAL BENTHIC
SAMPLE LOCATION ■ B-X

PLAN VIEW



REVISED 9-24-09 DEP
TOP & BOTTOM of SLOPES

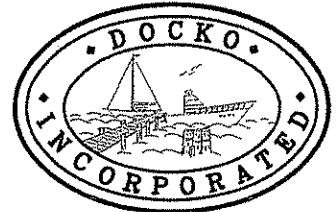
PROJECT: MAINTENANCE AND NEW DREDGING

LOCATION: TOWN OF NOANK
NEW LONDON COUNTY, CONNECTICUT
WATERWAY: MYSTIC RIVER
DATE: SEPTEMBER 15, 2008
APPLICANT: NOANK VILLAGE
BOATYARD

AGENT: SHEET 4 OF 6

DOCKO, INC.

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DWG 08-02-2019

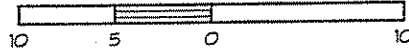
NEW DREDGE 5000±CY OVER 75,000±SF
TO -6' MLW WITH A 4000±CY
OVERDREDGE ALLOWANCE

EXISTING FLOATING DOCK

EXISTING 3.5' X 26' FINGER PIER

SECTION B-B

GRAPHIC SCALE 1 IN = 10 FT



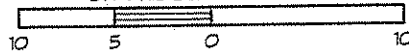
NEW DREDGE 5000±CY OVER 75,000±SF
TO -6' MLW WITH A 4000±CY
OVERDREDGE ALLOWANCE

EXISTING FLOATING DOCK

EXISTING 3.5' X 26' FINGER PIER

SECTION C-C

GRAPHIC SCALE 1 IN = 10 FT



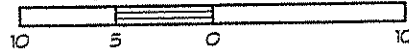
NEW DREDGE 5000±CY OVER 75,000±SF
TO -6' MLW WITH A 4000±CY
OVERDREDGE ALLOWANCE

EXISTING FLOATING DOCK

EXISTING 3.5' X 26' FINGER PIER

SECTION D-D

GRAPHIC SCALE 1 IN = 10 FT



PROJECT: MAINTENANCE AND NEW DREDGING

LOCATION: TOWN OF NOANK
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: MYSTIC RIVER

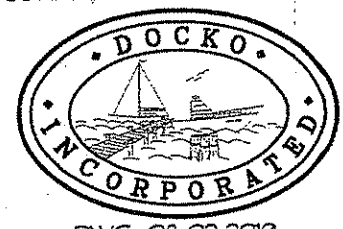
DATE: SEPTEMBER 15, 2008

APPLICANT: NOANK VILLAGE
BOATYARD

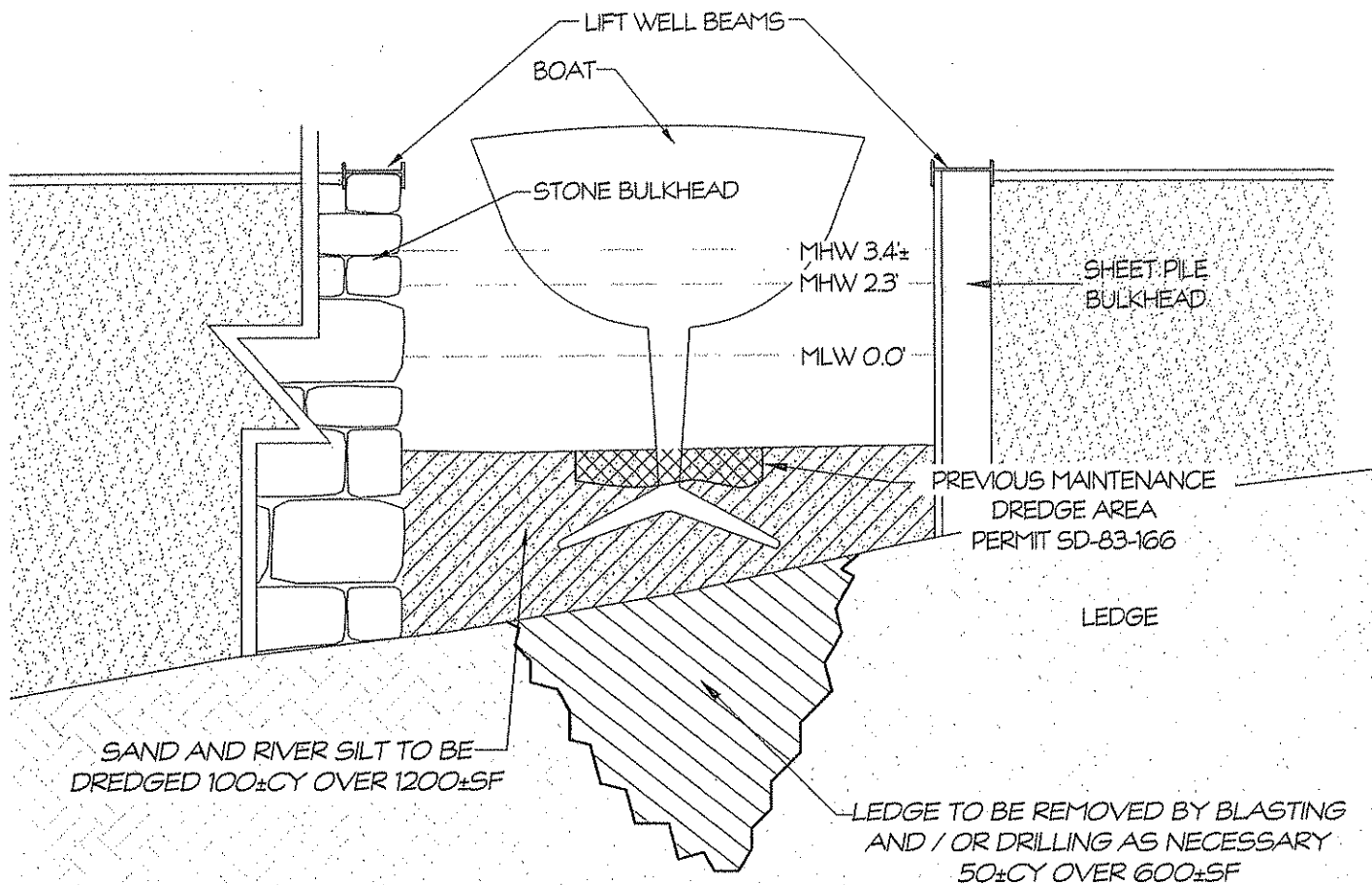
AGENT: SHEET 5 OF 6

DOCKO, INC.

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EMAIL: docko@snet.net

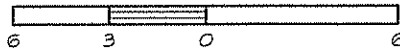


DWG 08-02-2019



LIFT WELL DETAIL

GRAPHIC SCALE 1 IN = 6 FT



REVISED 5-20-09 DEP
MAINTENANCE DREDGE AREA

PROJECT: MAINTENANCE AND NEW DREDGING

LOCATION: TOWN OF NOANK
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: MYSTIC RIVER

DATE: SEPTEMBER 15, 2008

APPLICANT: NOANK VILLAGE
BOATYARD

AGENT: SHEET 6 OF 6

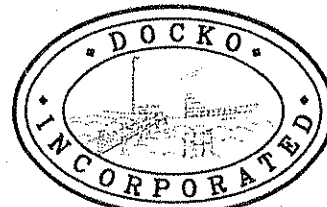
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DWG 08-02-2019

